

## **REMARKS**

Reconsideration of the application is respectfully requested.

Present claim 1 is directed to a spread composition which includes olive oil and which has no perceivable olive oil odor, and which composition contains at least 10 ppm of olive oil originating polyphenols. In claim 11 the olive oil is obtained by refining it at from 120° to 250° C.

The invention, then, is directed to a spread having olive oil, no perceivable olive oil odor and at least 10 ppm of olive oil originating polyphenols. The Office states that applicants argued that there is no assurance that the products of Chen and Decio and Lai Ganguli would have the polyphenol content of the claim and that there is no requirement in applicants' specification to utilize the deodorizing process of Chen.

Applicants agree that Chen's process is not recited to be a requirement of their invention. It is the Office which raises Chen; see, for instance, the Office Action dated July 2, 2008 wherein it is stated that it "would be obvious to one of ordinary skill in the art to use the oil of Chen and the margarine of Decio in order to prepare a butter that does not have a typical olive oil bitter flavor." Applicants' point is that it would not be obvious to one of ordinary skill that use of the oil of Chen in the margarine of Decio could result in the spread of the invention which includes olive oil that has no perceivable olive oil odor and which contains at least 10 ppm of olive oil originated polyphenols.

The Office states that there is no indication in the specification of an unobvious difference between a deodorized polyphenol content of less than 10 ppm and a

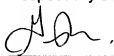
polyphenol content of more than 10 ppm. Again, applicants point is that it would be unobvious to arrive at a spread comprising olive oil having at least 10 ppm olive oil originating polyphenols and no perceivable olive oil odor.

As to polyphenol content, it is submitted that it has been recognized that polyphenols are antioxidants which positively interfere with the body's cardiovascular system as mentioned on page 1 of the specification. Therefore, having both a level of more than 10 PPM polyphenols and no perceivable olive oil odor so that the product can be used as a normal spread is desirable. Yet the Office points to no teaching that this can be achieved.

In the sentence bridging pages 2 and 3 of the Office Action and in the first full sentence of page 3, the Office asserts separately that (a) selecting an olive oil with less olive oil odor would have been obvious and (b) selecting an olive oil with Lai Ganguli's level of polyphenol would have been obvious. However, the present invention concerns a spread which has both less olive oil odor and the recited level of polyphenols, at the same time. It is submitted that this is unobvious and that the Office has not demonstrated otherwise.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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